

UNITED STATES DISTRICT COURT
Office of the Clerk
District of Oregon

NOTICE TO COUNSEL REGARDING
ASSIGNMENT OF PRESIDING JUDICIAL OFFICER

CASE NO: 01-CV-1655-JE

November 8, 2001

TITLE: ADIDAS AMERICA, INC., et al vs. PAYLESS SHOESOURCE, INC.

(a) The above referenced case has been filed and docketed in this court and assigned to the presiding judicial officer shown below for disposition, to include the conduct of trial and/or entry of final judgment.¹ The judicial officer's initials shall follow the case number on all future filings with the court.

Initials

Name of Assigned Judicial Officer

JE

Honorable John Jelderks, US Magistrate Judge

(b) Questions relating to the status or scheduling of this case should be directed to the judge's courtroom deputy:

Gary Magnuson

(503) 326-8055

(c) Docket related questions should be directed to the following civil docket clerk:

Mary Austad

(503) 326-8034

Cases initially assigned to a United States Magistrate shall be administered by that judge, to include the scheduling of all discovery matters, and with the consent of the parties, the conduct of trial and/or entry of final judgment. Pursuant to Fed.R.Civ.P. 73, all full-time United States Magistrates in the District of Oregon have been certified to exercise civil jurisdiction in assigned cases, to include trial and entry of final judgment. Appeals from the entry of such judgments go directly to the United States Court of Appeals for the Ninth Circuit, not to a trial de novo before a district judge. Therefore, parties are strongly encouraged to file a Consent to Trial and Entry of Final Judgment [See Fed.R.Civ.P. 73(b)]. See "Role of the Magistrate Judge" at the Court's web site at www.ord.uscourts.gov for further clarification.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ADIDAS AMERICA, INC., et al,
Plaintiff(s),

Civil No. 01-CV-1655-JE

v.

PAYLESS SHOESOURCE, INC.,
Defendant(s)

Discovery and Pretrial Scheduling Order

In order to facilitate and expedite discovery and the effective management of the instant action, the Court orders that:

(a) **Corporate Disclosure Statement:** In accordance with L.R. 83.16, any non-governmental corporate party must file a corporate disclosure statement concurrently with the filing of a first appearance.

(b) **Initial Conference of Counsel for Discovery Planning:** Except in cases exempted under Fed. R. Civ. P. 26(a)(1)(E), counsel for plaintiff(s), upon learning the identity of counsel for defendant(s), shall initiate communications with counsel for defendant(s). All counsel shall then confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after all defendants have been served (see Local Rule 26.1). In accordance with LR 16.2(b) and 16.4(c), counsel shall also discuss their client's positions regarding magistrate consent and Alternate Dispute Resolution options.

If counsel for all of the parties agree to forgo the initial disclosures required by Fed. R. Civ. P. 26(a)(1), they can use the Court form issued with this order (See Local Rule 26.2). Whether or not the parties agree to forgo the initial disclosures, they may seek discovery once the initial conference of counsel for discovery planning contemplated by Fed. R. Civ. P. 26(f) has occurred (See Local Rule 26.1).

(c) **Rule 16(b) Court Conference for Scheduling and Planning:** Counsel for plaintiff(s) and for defendant(s) shall, during or promptly after the conference of counsel referred to in the prior paragraph, contact the assigned judge's deputy clerk and schedule a LR 16.2 conference for scheduling and planning, and the assigned judge shall hold the conference within thirty (30) days.

At the conference, the parties shall be prepared to discuss any discovery, magistrate consent, scheduling or other issues presented by this action, including proposed modifications to the initial schedule set forth below (*See* LR 6.2).

(d) Pretrial and Discovery Deadlines: Not later than 120 days from the date of this Order¹, counsel for all parties shall:

- (1) File all pleadings [Fed. R. Civ. P. 7[a] and 15].
- (2) Join all claims, remedies and parties (Fed. R. Civ. P. 18 and 19).
- (3) File all pretrial, discovery and dispositive motions.
- (4) Complete all discovery
- (5) Confer as to Alternate Dispute Resolution (LR 16.4(c))

(e) Pretrial Order Deadline: Unless waived by order of the court, not later than 150 days from the date of this Order¹, counsel shall lodge a joint Pretrial Order and shall also file the Joint Alternate Dispute Resolution Report required by LR 16.4(d).

(f) Service of this Order: Counsel for the plaintiff shall serve this Order and attachments upon all other parties to the action.

Dated: November 8, 2001 .

M. Kirkland, Deputy Clerk

¹ Counsel are directed to the court's CM/ECF electronic docket to determine the exact dates established in paragraphs (d) and (e) of this order (See ecf-ord.uscourts.gov)

UNITED STATES DISTRICT COURT

District of Oregon

ADIDAS November 8, 2001

Plaintiff,

v.

Case No. 01-CV-1655-JE

PAYLESS SHOESOURCE, INC.

Defendant.

Fed. R. Civ. P. 26(a)(1) Agreement

Pursuant to Local Rule 26.2², I state that the parties who have been served and are not in default have agreed to forgo the disclosures required by Fed. R. Civ. P. 26(a)(1). The original of this Agreement will be filed with the Court, pursuant to Local Rule 26.2.

DATED:

By _____

cc: Counsel of Record

² LR 26.2 as amended on December 1, 2000.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ADIDAS AMERICA, INC., et al,

Plaintiff(s),

v.

Civil Case No:01-CV-1655-JE

PAYLESS SHOESOURCE, INC.,

Defendant(s).

**CONSENT TO JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE
AND DESIGNATION OF NORMAL APPEAL ROUTE**

Pursuant to Fed.R.Civ.P. 73(b), the undersigned party or parties to the above-captioned civil matter hereby consent to have a United States Magistrate Judge conduct any and all proceedings in the case, including trial, and order the entry of final judgment.

In accordance with Fed.R.Civ.P. 73(c), the filing party also confirms that any appeal from a judgment or final order entered by a Magistrate Judge shall proceed directly to the appropriate U.S. Court of Appeals: 1) the U.S. Court of Appeals for the 9th Circuit; or 2) the U.S. Court of Appeals for the Federal Circuit.

DATED this _____ day of _____, 20_____.

(Signature) _____

(Typed Name) _____ Bar ID No: _____

(Name parties represented individually) _____

(Firm Name) _____

(Mailing Address) _____

(Telephone Number) _____

cc: Counsel of Record

US District Court – Oregon

Time Table

Local Rule	Description	# Days	Period Calculated From	Comment
LR 83.16	Corporate Disclosure Statement		Concurrent with party's first appearance	
LR 26.1	Initial Conference for Discovery Planning	30	Service of last defendant	Held between parties
LR 16.2	Rule 16(b) Conference	30	Initial Conference for Discovery Planning required by LR 26.1	Held before assigned Judge - LR 26.1
<ul style="list-style-type: none"> • LR 16.1(e) • LR 16.4(c) 	<ul style="list-style-type: none"> • Initial Case Scheduling Order-Discovery Completion • ADR Conference 	120	Filing of complaint	
<ul style="list-style-type: none"> • LR16.1(e) • LR16.4(d) 	<ul style="list-style-type: none"> • Lodge Pretrial Order • File Joint Alternate Dispute Resolution Report 	150	Filing of complaint	
LR 16.4(f)(1)(D)	Agree on Volunteer Mediator	10	Filing of Order directing case to mediation	If parties cannot agree, plaintiff's attorney must notify court who will designate mediator
LR 16.4(h)(1)	Notification of Court of results of ADR Settlement	7	Conclusion of private ADR	
LR 16.4(h)(2)	Notify Court if no settlement achieved		Concurrent notification at conclusion of mediation	

